

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAA WILLIE DONKOR,

Plaintiff,

-against-

UNITED STATES POSTAL SERVICE,

Defendant.

24 Civ. 0559 (JHR)

ORDER OF SERVICE

JENNIFER H. REARDEN, United States District Judge:

Plaintiff Paa Willie Donkor, appearing *pro se*, brings this action against the United States Postal Service (“USPS”) in connection with USPS money orders that allegedly were fraudulently redeemed by an individual other than the person to whom they were made payable. *See* ECF No. 1 (Complaint). By Order dated January 29, 2024, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

## DISCUSSION

### A. United States as a Defendant

The Court construes the Complaint as an action under the Federal Tort Claims Act (“FTCA”).<sup>1</sup> *See* 28 U.S.C. §§ 1346(b)(1), 2680. The Court therefore directs the Clerk of Court to add the United States of America as a Defendant in this action, without prejudice to any defenses the United States may wish to assert. *See* Fed. R. Civ. P. 21 (“On motion or on its own, the court may at any time, on just terms, add or drop a party.”); *Pena v. U.S. Postal Serv.*, No. 23 Civ. 10123 (LTS), 2024 WL 81837, at \*1 (S.D.N.Y. Jan. 8, 2024) (“The proper defendant in an FTCA claim is the United States . . . [t]he Court therefore construes Plaintiff’s claims against the

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<sup>1</sup> The Court cautions Plaintiff, however, that “[a]ny claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter” is barred by the doctrine of sovereign immunity. *See* 28 U.S.C. § 2680(b).

USPS as brought against the United States of America.” (internal citations and quotation marks omitted)).

**B. Service on Defendants the USPS and United States**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants the USPS and the United States through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to (i) mark the box on the USM-285 form labeled “Check for service on U.S.A.” and (ii) issue summonses and deliver to the Marshals Service a copy of this Order and all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the Complaint is not served within 90 days of the date the summonses are issued, then Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that the plaintiff bears responsibility to request such an extension).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

**CONCLUSION**

The Clerk of Court is directed to add the United States as a Defendant. *See* Fed. R. Civ. P. 21. The Clerk of Court is further instructed to issue summonses for Defendants, complete the USM-285 forms with the addresses for Defendants, and deliver to the U.S. Marshals Service all documents necessary to effect service.

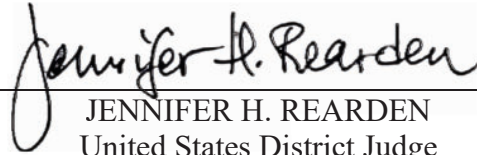
The Clerk of Court is also directed to mail an information package to Plaintiff.

Plaintiff may consent to accept service of documents by email, instead of postal mail, by completing the attached form, [Consent to Electronic Service](#).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 21, 2024  
New York, New York



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JENNIFER H. REARDEN  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. United States  
c/o Civil Process Clerk  
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New York, NY 10007  
  
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United States Department of Justice  
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